

S-5083

1 Amend House File 2314, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 VERIFICATION, TRAINING, AND APPEALS

7 Section 1. Section 724.4, subsection 4, paragraph
8 i, Code 2016, is amended to read as follows:

9 i. (1) A person who has in the person's immediate
10 possession and who displays to a peace officer on
11 demand a valid permit to carry weapons which has been
12 issued to the person, and whose conduct is within the
13 limits of that permit. A peace officer shall verify
14 through electronic means, if possible, the validity of
15 the person's permit to carry weapons.

16 (2) A person commits a simple misdemeanor
17 punishable as a scheduled violation pursuant to section
18 805.8C, subsection 11, if the person does not have in
19 the person's immediate possession a valid permit to
20 carry weapons which has been issued to the person.

21 (3) A Except as provided in subparagraph (2), a
22 person shall not be convicted of a violation of this
23 section if the person produces at the person's trial a
24 permit to carry weapons which was valid at the time of
25 the alleged offense and which would have brought the
26 person's conduct within this exception if the permit
27 had been produced at the time of the alleged offense.

28 Sec. 2. Section 724.5, Code 2016, is amended to
29 read as follows:

30 724.5 Duty to carry or verify permit to carry
31 weapons.

32 1. A person armed with a revolver, pistol, or
33 pocket billy concealed upon the person shall have in
34 the person's immediate possession the permit provided
35 for in section 724.4, subsection 4, paragraph "i", and

1 shall produce the permit for inspection at the request
2 of a peace officer.

3 2. A peace officer shall verify through electronic
4 means, if possible, the validity of the person's permit
5 to carry weapons.

6 3. Failure to so produce a permit is a simple
7 misdemeanor, punishable as a scheduled violation
8 pursuant to section 805.8C, subsection 12.

9 Sec. 3. Section 724.9, Code 2016, is amended to
10 read as follows:

11 **724.9 Firearm training program.**

12 1. An applicant for an initial permit to carry
13 weapons shall demonstrate knowledge of firearm safety
14 by any of the following means:

15 a. Completion of any national rifle association
16 handgun safety training course that includes
17 qualification on a firing range.

18 b. Completion of any handgun safety training course
19 that includes qualification on a firing range available
20 to the general public offered by a law enforcement
21 agency, community college, college, private or public
22 institution or organization, or firearms training
23 school, utilizing instructors certified by the national
24 rifle association or the department of public safety
25 or another state's department of public safety, state
26 police department, or similar certifying body.

27 c. Completion of any handgun safety training course
28 that includes qualification on a firing range offered
29 for security guards, investigators, special deputies,
30 or any division or subdivision of a law enforcement or
31 security enforcement agency approved by the department
32 of public safety.

33 d. Completion of small arms training while serving
34 with the armed forces of the United States ~~as evidenced~~
35 ~~by any of the following.~~

~~(1) For personnel released or retired from active duty, possession of an honorable discharge or general discharge under honorable conditions.~~

~~(2) For personnel on active duty or serving in one of the national guard or reserve components of the armed forces of the United States, possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification.~~

e. Completion of a law enforcement agency firearms training course that qualifies a peace officer to carry a firearm in the normal course of the peace officer's duties.

2. a. (1) Beginning with the first renewal of a permit issued after the calendar year 2010, and alternating renewals thereafter, training is not required.

(2) If an applicant applies beyond the time period specified for a renewal in section 724.11, the applicant shall be required to complete training as specified in subsection 1.

b. (1) Beginning with the second renewal of a permit issued after the calendar year 2010, and alternating renewals thereafter, an applicant is required to complete a handgun safety training course available to the general public offered by a law enforcement agency, community college, college, private or public institution or organization, or firearms training school, utilizing instructors certified by the national rifle association or the department of public safety or another state's department of public safety, state police department, or similar certifying body. The handgun safety training course may be conducted over the internet in a live or web-based format, if completion of the course is verified by the instructor

1 or provider of the course.

2 (2) If an applicant applies beyond the time
3 period specified for a renewal in section 724.11, the
4 applicant shall be required to complete training as
5 specified in subsection 1.

6 ~~2.~~ 3. Evidence If training is required under
7 this section, evidence of qualification under this
8 ~~section~~ such training may be documented by any of the
9 following:

10 a. A photocopy of a certificate of completion or
11 any similar document indicating completion of any
12 course or class identified in subsection 1 that was
13 completed within twenty-four months prior to the date
14 of the application.

15 b. An affidavit from the instructor, school,
16 organization, or group that conducted or taught a
17 course or class identified in subsection 1 that was
18 completed within twenty-four months prior to the date
19 of the application attesting to the completion of the
20 course or class by the applicant.

21 ~~c. A copy of any document indicating participation~~
22 ~~in any firearms shooting competition.~~

23 c. Possession of an honorable discharge or general
24 discharge under honorable conditions issued any time
25 prior to the date of the application for personnel
26 released or retired from active duty in the armed
27 forces of the United States.

28 d. Possession of a certificate of completion of
29 basic training with a service record of successful
30 completion of small arms training issued prior
31 to the date of the application, or other official
32 documentation satisfactory to the issuing officer
33 that was issued prior to the date of the application
34 for personnel on active duty or serving in one of
35 the national guard or reserve components of the armed

1 forces of the United States.

2 e. The training for a renewal under this subsection
3 must occur within a twenty-four-month period prior
4 to the expiration of the applicant's current permit,
5 except that the twenty-four-month period limitation for
6 training does not apply to an applicant who is able
7 to demonstrate completion of small arms training as
8 specified in section 724.9, subsection 1, paragraph
9 "d".

10 ~~3.~~ 4. An issuing officer shall not condition the
11 issuance of a permit on training requirements that are
12 not specified in or that exceed the requirements of
13 this section.

14 Sec. 4. Section 724.11, subsections 1 and 3, Code
15 2016, are amended to read as follows:

16 1. Applications for permits to carry weapons
17 shall be made to the sheriff of the county in which
18 the applicant resides. Applications for professional
19 permits to carry weapons for persons who are
20 nonresidents of the state, or whose need to go armed
21 arises out of employment by the state, shall be made
22 to the commissioner of public safety. In either case,
23 the sheriff or commissioner, before issuing the permit,
24 shall determine that the requirements of sections
25 724.6 to 724.10 have been satisfied. ~~However, for~~
26 ~~renewal of a permit the training program requirements~~
27 ~~in section 724.9, subsection 1, shall apply or the~~
28 ~~renewal applicant may choose to qualify on a firing~~
29 ~~range under the supervision of an instructor certified~~
30 ~~by the national rifle association or the department of~~
31 ~~public safety or another state's department of public~~
32 ~~safety, state police department, or similar certifying~~
33 ~~body. Such training or qualification must occur within~~
34 ~~the twelve-month period prior to the expiration of the~~
35 ~~applicant's current permit.~~

1 3. The issuing officer shall collect a fee of fifty
2 dollars, except from a duly appointed peace officer or
3 correctional officer, for each permit issued. Renewal
4 permits or duplicate permits shall be issued for a
5 fee of twenty-five dollars, provided the application
6 for such renewal permit is received by the issuing
7 officer ~~at least~~ no later than thirty days ~~prior to~~
8 after the expiration of the applicant's current permit.
9 The issuing officer shall notify the commissioner of
10 public safety of the issuance of any permit ~~at least~~
11 ~~monthly~~ as provided in section 724.11B, and forward to
12 the commissioner an amount equal to ten dollars for
13 each permit issued and five dollars for each renewal
14 or duplicate permit issued. All such fees received
15 by the commissioner shall be paid to the treasurer
16 of state and deposited in the operating account of
17 the department of public safety to offset the cost of
18 administering **this chapter**. Notwithstanding section
19 8.33, any unspent balance as of June 30 of each year
20 shall not revert to the general fund of the state.

21 Sec. 5. NEW SECTION. **724.11B Professional and**
22 **nonprofessional permit to carry weapons — durable copy.**

23 1. Within fourteen days after the sheriff has
24 issued an initial, renewal, or duplicate professional
25 or nonprofessional permit to carry weapons, the sheriff
26 shall transmit the permit holder's information to
27 the department of public safety. Within thirty days
28 of the permit holder's information being transmitted
29 to the department of public safety, the department
30 shall issue a more durable copy of the professional or
31 nonprofessional permit to carry weapons to the permit
32 holder.

33 2. The durable copy of the permit shall have a
34 uniform appearance, size, and content prescribed and
35 published by the commissioner of public safety. The

1 permit shall contain the name of the permit holder
2 and the effective date of the permit, but shall not
3 contain the permit holder's social security number or
4 photograph and shall not contain information about a
5 particular weapon or any ammunition as prescribed by
6 section 724.7, subsection 1.

7 3. a. A durable copy of the permit issued pursuant
8 to this section shall be considered a valid permit.

9 b. The initial, renewal, or duplicate permit issued
10 by the sheriff pursuant to section 724.7, subsection 1,
11 shall not be considered a valid permit more than sixty
12 days after issuance.

13 Sec. 6. NEW SECTION. 724.14 Professional and
14 nonprofessional permit — change of residence to another
15 county.

16 If a permit holder of a professional or
17 nonprofessional permit to carry weapons changes
18 residences from one county to another county after the
19 issuance of the permit, the department of public safety
20 shall by rule specify the procedure to transfer the
21 regulation of the holder's permit to another sheriff
22 for the purposes of issuing a renewal or duplicate
23 permit, or complying with section 724.13.

24 Sec. 7. Section 724.21A, Code 2016, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 8. If an applicant appeals the
27 decision by the sheriff or commissioner to deny an
28 application, or suspend or revoke a permit to carry
29 weapons or a permit to acquire, and it is later
30 determined the applicant is eligible to be issued
31 or possess such a permit, the applicant shall be
32 awarded costs related to the administrative proceeding
33 and reasonable attorney fees if applicable. If the
34 decision of the sheriff or commissioner to deny the
35 application, or suspend or revoke the permit is upheld

1 on appeal, the political subdivision of the state
2 representing the sheriff or the commissioner shall be
3 awarded costs related to the administrative proceeding
4 and reasonable attorney fees if applicable.

5 Sec. 8. Section 805.8C, Code 2016, is amended by
6 adding the following new subsections:

7 NEW SUBSECTION. 11. *Duty to possess permit to carry*
8 *weapons.* For violations of section 724.4, subsection
9 4, paragraph "i", subparagraph (2), the scheduled fine
10 is ten dollars.

11 NEW SUBSECTION. 12. *Failure to produce permit to*
12 *carry.* For violations of section 724.5, the scheduled
13 fine is ten dollars.

14 DIVISION II

15 CONFIDENTIALITY

16 Sec. 9. Section 724.23, Code 2016, is amended to
17 read as follows:

18 **724.23 Records kept by commissioner and issuing**
19 **officers.**

20 1. The commissioner of public safety shall maintain
21 a permanent record of all valid permits to carry
22 weapons and of current permit revocations.

23 2. a. Notwithstanding any other law or rule to
24 the contrary, the commissioner of public safety and
25 any issuing officer shall keep confidential personally
26 identifiable information of applicants and holders
27 of professional and nonprofessional permits to carry
28 weapons and permits to acquire pistols or revolvers,
29 including but not limited to the name, social security
30 number, date of birth, residential or business address,
31 and driver's license or other identification number of
32 the applicant or permit holder.

33 b. This subsection shall not prohibit the release
34 of statistical information relating to the issuance,
35 denial, revocation, or administration of professional

1 and nonprofessional permits to carry weapons and
2 permits to acquire pistols or revolvers, provided that
3 the release of such information does not reveal the
4 identity of any applicant or individual permit holder.

5 c. This subsection shall not prohibit the release
6 of information to any law enforcement agency or any
7 employee or agent thereof when necessary for the
8 purpose of investigating a possible violation of law
9 and probable cause exists, or for conducting a lawfully
10 authorized background investigation.

11 d. This subsection shall not prohibit the
12 release of information relating to the validity of a
13 professional permit to carry weapons to an employer who
14 requires an employee or an agent of the employer to
15 possess a professional permit to carry weapons as part
16 of the duties of the employee or agent.

17 e. (1) (a) This subsection shall not prohibit
18 the release of the information described in
19 subparagraph (2) to a member of the public who requests
20 whether another person possesses a professional or
21 nonprofessional permit to carry weapons or a permit to
22 acquire pistols or revolvers. However, information
23 described in subparagraph (2) regarding a person in
24 whose favor either a no-contact order or a protective
25 order, as defined in section 664A.1, has been issued
26 and is still in effect, shall not be released pursuant
27 to this paragraph "e", if the person presents the
28 order to the department of public safety or the
29 issuing officer. Prior to the release of information
30 described in subparagraph (2), the member of the public
31 requesting the information shall appear in person and
32 provide in writing to the department of public safety
33 or the issuing officer the name of the member of the
34 public, on a form prescribed by the department of
35 public safety. Alternatively, a member of the public

1 may request the information in writing by completing
2 the form prescribed by the department of public
3 safety and transmitting the form to the department or
4 issuing officer. The request must include the name
5 of the other person and at least one of the following
6 identifiers pertaining to the other person:
7 (i) The date of birth of the person.
8 (ii) The address of the person.
9 (iii) The telephone number of the person, including
10 any landline or wireless numbers.
11 (b) (i) Except as provided in subparagraph
12 subdivision (ii), the department or issuing officer
13 shall keep a record of the person making the request.
14 (ii) If a person in whose favor either a no-contact
15 order or a protective order, as defined in section
16 664A.1, has been issued and is still in effect,
17 presents the order to the department of public safety
18 or the issuing officer and requests whether another
19 person who is the subject of the order possesses a
20 professional or nonprofessional permit to carry weapons
21 or a permit to acquire pistols or revolvers under this
22 subparagraph (1), the department or issuing officer
23 shall not keep a record of the person making the
24 request or disclose the name of the person making the
25 request.
26 (2) The information released by the department
27 of public safety or issuing officer shall be limited
28 to an acknowledgment as to whether or not the
29 person currently possesses a valid professional or
30 nonprofessional permit to carry weapons or a permit
31 to acquire pistols or revolvers, the date such permit
32 was issued, and whether the person has ever possessed
33 such a permit that has been revoked or has expired and
34 the date the permit was revoked or expired. No other
35 information shall be released under this paragraph "e".

1 f. Except as provided in paragraphs "b", "c", "d",
2 and "e", the release of any confidential information
3 under this section shall require a court order or the
4 consent of the person whose personally identifiable
5 information is the subject of the information request.

6 g. The department of public safety shall, by
7 rule, establish a reasonable fee to cover the costs
8 of complying with the release of information requests
9 pursuant to this subsection.

10 Sec. 10. EFFECTIVE UPON ENACTMENT. This division
11 of this Act, being deemed of immediate importance,
12 takes effect upon enactment.

13 Sec. 11. APPLICABILITY. This division of this Act
14 applies to holders of professional and nonprofessional
15 permits to carry weapons and permits to acquire pistols
16 or revolvers and to applicants for professional and
17 nonprofessional permits to carry weapons and permits to
18 acquire pistols or revolvers on or after the effective
19 date of this division of this Act.

20 DIVISION III

21 FRAUDULENT TRANSFER

22 Sec. 12. NEW SECTION. 724.29A Fraudulent transfer
23 of firearms or ammunition.

24 1. For purposes of this section:

25 a. "*Ammunition*" means any cartridge, shell, or
26 projectile designed for use in a firearm.

27 b. "*Licensed firearms dealer*" means a person who is
28 licensed pursuant to 18 U.S.C. §923 to engage in the
29 business of dealing in firearms.

30 c. "*Materially false information*" means information
31 that portrays an illegal transaction as legal or a
32 legal transaction as illegal.

33 d. "*Private seller*" means a person who sells or
34 offers for sale any firearm or ammunition.

35 2. A person who knowingly solicits, persuades,

1 encourages, or entices a licensed firearms dealer or
2 private seller of firearms or ammunition to transfer
3 a firearm or ammunition under circumstances that the
4 person knows would violate the laws of this state or of
5 the United States commits a class "D" felony.

6 3. A person who knowingly provides materially
7 false information to a licensed firearms dealer or
8 private seller of firearms or ammunition with the
9 intent to deceive the firearms dealer or seller about
10 the legality of a transfer of a firearm or ammunition
11 commits a class "D" felony.

12 4. Any person who willfully procures another to
13 engage in conduct prohibited by this section shall be
14 held accountable as a principal.

15 5. This section does not apply to a law enforcement
16 officer acting in the officer's official capacity
17 or to a person acting at the direction of such law
18 enforcement officer.

19 DIVISION IV

20 RULES

21 Sec. 13. NEW SECTION. 724.32 Rules.

22 The department of public safety shall adopt rules
23 pursuant to chapter 17A to administer this chapter.>

COMMITTEE ON JUDICIARY

STEVEN J. SODDERS, CHAIRPERSON